

# KRIEG · DEVAULT LLP

## ATTORNEYS AT LAW

**RECEIVED  
CENTRAL FAX CENTER**

**SEP 13 2007**

### FAX COVER PAGE

DATE: September 13, 2007

PAGES INCLUDING THIS PAGE: 16

TO: Examiner David C. Comstock, Group Art Unit 3733  
COMPANY: U.S. Patent and Trademark Office

FAX NUMBER: 571-273-8300  
PHONE NUMBER:

FROM: Douglas A. Collier

DIRECT DIAL: (317) 238-6333  
FAX NUMBER: (317) 636-1507

RE: Response to Final Office Action for U.S. Patent Application No. 10/764,621 to Rolando M. Puno et al.

COMMENTS: I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at 571-273-8300 on:

September 13, 2007  
(Date of Transmission)

Douglas A. Collier  
Name of Registered Representative

*Douglas A. Collier*  
Signature

Hard copy will be sent via: ☐ Regular Mail ☐ Overnight Courier ☒ Fax Communication Only

Name of Sender: Cheryl Kalugyer

Client Matter No.: 333 MSDI-1

#### WARNING CONFIDENTIALITY NOTICE

The documents constituting this fax transmittal contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual(s) or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance upon the content of this fax transmittal is strictly prohibited. If you have received this fax transmittal in error, please immediately notify us by telephone at the number below to arrange for return of the original documents to us. Thank you.

For Questions or Problems in Transmission, Please Contact our Fax Operators

KRIEG DEVAULT LLP	KRIEG DEVAULT LLP	KRIEG DEVAULT GALVIN	KRIEG DEVAULT LUNDY
ONE INDIANA SQUARE	12800 N MERIDIAN STREET	LLP	LLP
SUITE 2800	SUITE 300	5231 HOHMAN STREET	825 ANTHONY WAYNE
INDIANAPOLIS, IN 46204	CARMEL, IN 46032	HAMMOND, IN 46320	BUILDING
TELEPHONE-(317) 636-	TELEPHONE-(317) 566-	TELEPHONE-(219) 933-	203 EAST BERRY STREET
4341	1110	0380 FAX-(219) 933-0471	FT. WAYNE, IN 46802
FAX-(317) 636-1507	FAX-(317) 636-1507		TELEPHONE-(260) 422-
			1534
			FAX-(260) 423-1590

KD\_JM-1128451\_1.DOC

SEP 13 2007

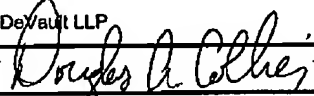
PTO/SB/21 (09-04)

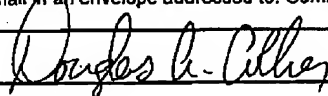
Approved for use through 07/31/2008. OMB 0851-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/764,621
	Filing Date	January 26, 2004
	First Named Inventor	Rolando M. Puno et al.
	Art Unit	3733
	Examiner Name	David C. Comstock
	Attorney Docket Number	MSDI-292/PC1008.00
Total Number of Pages in This Submission		

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Facsimile Cover Sheet
Remarks _____		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Krieg DeVault LLP		
Signature			
Printed name	Douglas A. Collier		
Date	September 13, 2007	Reg. No.	43,556

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Douglas A. Collier	Date	September 13, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED  
CENTRAL FAX CENTER

SEP 13 2007

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent	)	
application of:	)	Before the Examiner:
Rolando M. Puno et al.	)	David C. Comstock
	)	
Serial No. 10/764,621	)	Group Art Unit:
	)	3733
Filed: January 26, 2004	)	
	)	September 13, 2007
METHODS AND INSTRUMENTS FOR	)	
INSERTING INTERVERTEBRAL GRAFTS	)	Attorney Docket Ref.:
AND DEVICES	)	MSDI-292/PC1008.00

RESPONSE TO FINAL OFFICE ACTION

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

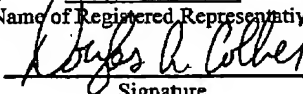
Dear Sirs:

In response to the Final Office Action dated July 13, 2007, please consider the following.

Please provide any extensions of time which may be necessary, and charge any fees which may be due, or credit any overpayments, to Deposit Account No. 12-2424, but not including issue fees.

I hereby certify that this correspondence is  
being facsimile transmitted to the United States  
Patent and Trademark Office at 571-273-8300  
on:

September 13, 2007  
Date of Transmission

Douglas A. Collier  
Name of Registered Representative  
  
Signature

September 13, 2007  
Date of Signature

Final Office Action Response  
USSN 10/764,621  
MSDI-292/PC1008.00

Page 1 of 14